

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HENNESSEE GROUP LLC,

Plaintiff,

Case No. 07 Civ. 7723 (SHS)

- against -

### Declaration of Robert C. Sentner

RICHARD ROGEL.

Defendant.

**DECLARATION OF ROBERT C. SENTNER IN SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS OR STAY THE COMPLAINT IN FAVOR OF ARBITRATION**

ROBERT C. SENTNER declares under penalty of perjury that the following is true and correct:

1. I am a member of Nixon Peabody LLP, attorneys for Defendant Richard Rogel (“Rogel”). I submit this Declaration in support of Rogel’s Motion to Dismiss the Complaint in Favor of Arbitration.

2. On or about December 15, 1998, Plaintiff Hennessee Group LLC (“Hennessee”) and Rogel entered into an Investment Advisory Agreement (the “Agreement”). A copy the Agreement is annexed hereto as Exhibit A.

3. Annexed hereto as Exhibit B is the Complaint filed by Hennessee against Rogel in New York State Supreme Court, New York County.

4. Annexed hereto as Exhibit C is the Demand for Arbitration filed by Rogel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of September, 2007.

/s/ Robert Sentner

Robert C. Sentner